



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 19, 1998

Ms. Joni M. Vollman  
Assistant General Counsel  
Office of the District Attorney  
201 Fannin, Ste 200  
Houston, Texas 77002-1901

OR98-2756

Dear Ms. Vollman:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119810.

The Harris County District Attorney (the "district attorney") received an open records request from an individual for "any records that [the district attorney] may have concerning me." You state that some documents have been released to the requestor. You seek to withhold certain other records pursuant to, *inter alia*, section 552.101 of the Government Code.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 261.201(a) of the Family Code provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and

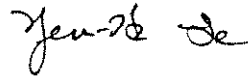
(2) except as otherwise provided in this section, *the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this*

*chapter or in providing services as a result of an investigation.*  
[Emphasis added.]

All of the records you have submitted to this office pertain to the investigation of the alleged sexual assault of a child. Consequently, section 261.201 of the Family Code applies to information at issue. You have not informed this office of any rules the district attorney has adopted that would permit access to the requested records. Because the information at issue pertains to a chapter 261 investigation, this office concludes that the district attorney must withhold the requested information in its entirety pursuant to section 261.201 of the Family Code. *But see* Fam. Code § 261.201(b) (provision for court ordered access), (f) (limited right of access to records held by Department of Protective and Regulatory Services).<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen Ha Le  
Assistant Attorney General  
Open Records Division

YHL/RWP/nc

Ref.: ID # 119810

Enclosures: Submitted documents

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<sup>1</sup>Because we resolve your request under section 261.201 of the Family Code, we need not address your other arguments for withholding the requested information.